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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/489,539	01/21/2000	Helen Viazmensky	DEXN09/096/US	5964
2543	7590	11/26/2003	EXAMINER	
ALIX YALE & RISTAS LLP 750 MAIN STREET SUITE 1400 HARTFORD, CT 06103			GUARRIELLO, JOHN J	
			ART UNIT	PAPER NUMBER
			1771	

DATE MAILED: 11/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/489,539

Applicant(s)

VIAZMENSKY ET AL.

Examiner

John J. Guarriello

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 9/05/ 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9,11-18 and 20-22 is/are pending in the application.
- 4a) Of the above claim(s) 15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9,11-14,16-18 and 20-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other:

**DETAILED ACTION**

15. The Examiner acknowledges papers of the response and amendment of 9/5/2003. The Examiner makes the Restriction requirement which was originally presented in paper # 2 of 12/6/2001 final for reasons of record.

16. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

17. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

***Claim Rejections - 35 USC § 102***

18. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-4, 6- 9, 11, 16-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamada 5,213,865.

Yamada describes mixing fibrous components with components made from synthetic resin (corresponding to the claimed mixture of synthetic material with natural fibers), (see abstract). Yamada describes the making of a base cloth which can be a non-woven fabric, (column 4, lines 1-5). Yamada describes the mixing of carbon

fibers, synthetic polymeric fibers, and wood pulp, (column 7, lines 66-68; column 8, lines 1-3). Yamada describes the fibers can have lengths of about 6 mm., (column 8, lines 4-14). Yamada describes synthetic polymeric fibers can be polyethylene or polypropylene, (column 4, lines 48-55). Yamada implies that the weight of the wood pulp fibers is about 15% by weight, (column 8, lines 1-2), which implies that the synthetic fiber amount would be about 20-70 % by weight which encompasses the claimed invention. It is the Examiner's position that the claimed invention is directed to a fibrous porous web material which is nonheat sealed and that Yamada describes the essential limitations of the claimed invention regarding a single layer wet laid and a mixture of synthetic material with natural fibers. Nonwoven web is inherent, (column 4, lines 1-4), in Yamada. Claims lack novelty.

***Claim Rejections - 35 USC § 103***

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. Claims 1, 5, 12-14, 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada 5,213,865 in view of Scott et al. 5,431,997 or Osborne 2,414,833.

Yamada as in paragraph # 19 with the exception that the percent of transmittance is not stated and the amount of natural fibers varies.

Scott describes webs of the non-heat seal variety for producing porous web materials for infusion packages for brewing beverages, (column 1, lines 8-13), which can include natural fibers, corresponding to jute, abaca, and wood fibers as well as lesser amounts of synthetic fiber materials, (column 3, lines 26-39).

Osborne describes synthetic thermoplastic filtering paper with utility for making tea bags, (column 1, lines 5-8, 50-54) with lengths of 3-9 mm., and in the amount of about 15-25 wt. %, (column 4, lines 74-75; column 5, lines 1-3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the natural fibers in major amounts of Scott or Osborne in the fabric of Yamada motivated with the expectation that these natural fiber materials of Scott or Osborne would function to enhance the properties of diffusion of the web material because of their light weight as noted by Scott, (column 3, lines 23-38). Moreover, since the basis weight overlaps the claimed invention it would be expected that one of ordinary skill in the art could routinely determine the % of transmittance of the claimed invention.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John J. Guarriello whose telephone number is (703) 308-3209. The examiner can normally be reached on Monday to Friday from 8 am to 4 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris, can be reached on (703) 308-2414. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-5408.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



John J. Guarriello:gj

Patent Examiner

November 13, 2003



TERREL MORRIS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700